

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

FITCHBURG GAS AND ELECTRIC
LIGHT COMPANY

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D.T.E. 03-52

**MOTION OF FITCHBURG GAS AND ELECTRIC LIGHT COMPANY
FOR PROTECTIVE TREATMENT**

NOW COMES Fitchburg Gas and Electric Light Company ("FG&E") and respectfully requests that the Department of Telecommunications and Energy ("Department") grant it protection from public disclosure for certain confidential and competitively sensitive information submitted in this proceeding in accordance with G.L. c. 25, § 5D. In support of its Motion, FG&E states:

1. On May 9, 2003, FG&E submitted to the Department for approval its 2003 Integrated Gas Resource Plan for the forecast period 2002/2003 through 2006/2007.
2. On July 31, 2003, the Department Staff filed information requests, including DTE-1-45 which seeks detailed information on FG&E's current commodity contracts. The Company filed a response to DTE-1-45 on August 12, 2003 and is submitting an update to that response to reflect the recently executed four (4) year contract for firm liquid LNG service with Distrigas of Massachusetts LLC ("DOMAC"). A copy of the Contract (Contract No. FLS154) is attached to the updated response as Attachment DTE-1-45.
3. FG&E requests protection from public disclosure of the pricing provisions (Article V) of the DOMAC Contract (Attachment DTE 1-45), pursuant to Chapter 25, Section

5D of the General Laws of Massachusetts. G.L. c. 25, § 5D is specifically designed to protect against disclosure of competitively sensitive information. That provision, in part, provides:

[T]he [D]epartment may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be upon the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the [D]epartment shall protect only so much of the information as is necessary to meet such need.

G.L. c. 25, § 5D.

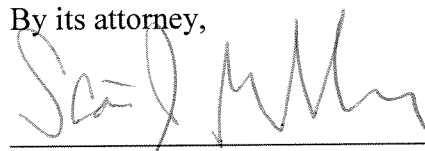
4. The pricing provisions provided in the updated response to DTE 1-45 should be protected from public disclosure because it is competitively sensitive information concerning FG&E's business arrangement with DOMAC for firm liquid LNG service. The Company is currently preparing a petition for approval of the DOMAC Contract and supporting testimony for filing by the end of this month. In the event the Contract is not approved by the Department within the timeframe specified in Article VII, Section 7.2, FG&E will need to solicit an alternative supply arrangement from the market and the public disclosure of the pricing details of FG&E's arrangements with DOMAC could harm its future negotiating position. FG&E requests protective treatment of the pricing information until the Department's approval of the Contract, or, if rejected, the approval of an alternative supply.

WHEREFORE, for all the reasons set forth in this Motion, FG&E respectfully requests that the Department issue its Order granting protective treatment over the pricing information contained in the confidential updated response to DTE 1-45 in the above referenced proceeding pending DTE approval of DOMAC Contract No. FLS154 or the approval of an alternative supply.

Respectfully submitted,

**FITCHBURG GAS AND ELECTRIC
LIGHT COMPANY**

By its attorney,

A handwritten signature in dark ink, appearing to read "Scott J. Mueller", is written over a horizontal line.

Scott J. Mueller
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Dated: September 16, 2003

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